

## **REMARKS**

Applicant respectfully requests reconsideration of this application in light of the amendments and remarks made herein. Claim 1 stands rejected under § 103(a) as being obvious over U.S. Patent No. 5,442,500 to Hidano et al. (hereinafter referred to as "Hidano") in view of U.S. Patent No. 5,818,723 to Dimitri (hereinafter referred to as "Dimitri"). Claims 2-21 are objected to as being dependent upon a rejected base claim. Applicant has made minor amendments herein to claims 2-21 to voluntarily correct certain instances of antecedent basis errors and clarify the claimed invention. New claim 22 is presented for examination.

In brief, the present claimed invention is directed to a magazine-based data cartridge library comprising: a shelf system for supporting at least two data cartridge magazines; a cartridge transport device for moving a data cartridge between one of the data cartridge magazines and a drive; a magazine transport device for moving one of the data cartridge magazines; and a drive bay assembly for accommodating the drive which is comprised of a first open side exposed to the cartridge transport device, a second open side exposed to a space that is operator accessible and a passageway extending between the first and second open sides.

### **Claim Informalities**

Claim 1 is objected to for certain antecedent basis informalities. Claim 1 is canceled herein without prejudice or disclaimer. Applicant notes that, in incorporating the elements of claim 1 into claim 2 below, Applicant has corrected the noted informalities.

### **Rejections Under 35 U.S.C. § 103**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hidano in view of Dimitri. Claim 1 is canceled without prejudice or disclaimer herein, obviating the rejection. Applicant may pursue the subject matter of the canceled claim in this or other related applications.

### **Claim Objections**

According to the Office Action, claims 2-21 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dependent claims 2 and 18 have been amended herein to include expressly each element recited in their base claim, claim 1, and have been rewritten in independent form, and thus, are allowable. Applicant's amendment of claims 2 and 18 should not be taken as acquiescence to the rejection of claim 1.

Dependent claims 3-17 depend either directly or indirectly from amended allowable claim 2 and therefore are also allowable. Dependent claims 19-21 depend either directly or indirectly from amended allowable claim 18 and therefore are also allowable.

**New Claim Presented Herein**

New claim 22 features a magazine-based data cartridge library with "...a drive bay assembly for accommodating said drive, said drive bay assembly comprising a first open side exposed to said cartridge transport device, a second open side exposed to a space that is operator accessible and a passageway extending between said first and second open sides." These features are recited in claim 2 which, as the Examiner clarifies, distinguish over the art of record, Hidano and Dimitri, because Hidano and Dimitri "fails to show: a second open side which is exposed to a space that is operator accessible, and a passageway extending between the first and second open sides..." None of the prior art of record, including Hidano and Dimitri, appears to describe, teach, or suggest the invention of claim 22, and thus this claim is allowable.

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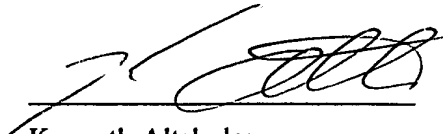
**Authorization To Charge Necessary Fees**

The Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

Dated: \_\_\_\_\_

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